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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 January 1990, at 3 p.m.

Chairman: Mr. BADAWI EL SHEIKH

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The meeting was called to order at 3.15 p.m.

ORGANIZATION OF WORK (agenda item 4) (continued)

1. Mr. ALVAREZ VITA asked whether there had been any news from Mr. Mratchkov in response to the formal request made the previous week.

2. Noting that a press conference and a briefing for non-governmental organizations had been scheduled for Wednesday, 31 January and Thursday, 1 February respectively he said that those dates were inconvenient for him personally in view of other commitments and were too late in the session to encourage interest and participation in the Committee's work.

3. The CHAIRMAN said that unfortunately the Bureau had been unable to choose a more convenient date for the briefing of the non-governmental organizations. Everything possible would be done to ensure Mr. Alvarez Vita's presence at both the briefing and the press conference; however, if it was not possible to change the dates, the original dates would be maintained.

4. A non-governmental organization called "Rights and Humanity", which had been very active in publicizing and constructively criticizing the work of the Committee, would be holding its traditional public seminar on the Committee's work at 6.30 p.m. on Monday, 29 January. A paper containing the details would be distributed to the members.

5. Regarding the formal request made to Mr. Mratchkov, the representative of the Secretary-General would be informing the Committee of the action taken in accordance with the Committee's decision.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Jamaica (E/1986/3/Add.12, E/1988/5/Add.3, E/1984/7/Add.30) (continued)

6. Mr. SIMMA, presenting the overview for the Committee's concluding observations on the Jamaican reports, noted that the Jamaican delegation, like some other delegations, had introduced the reports within the framework of the list of issues. It appeared that States parties accepted the list of issues as facilitating their task and the pre-sessional Working Group should lay greater stress on preparing such lists. The Jamaican delegation had presented an extensive and lively country profile which had perhaps taken up too much time. However, under the new guidelines, the profiles would be part of the written report. There seemed to be a remarkable number of information activities on human rights in Jamaica and apparently there had been some input by non-governmental oganizations in the preparation of the report. Throughout there had been an effort to provide the Committee with meaningful information assisted by the use of indicators. There had been a marked lack of evasiveness on the part of the Jamaican delegation. However, a number of written questions in the list of issues and oral questions from members of the Committee had gone unanswered, and he wished to put on record that additional information had been promised.

7. The delegation had made an effort to identify particularly vulnerable groups in Jamaican society. It was clear that the country had been struck by economic recession and, unsurprisingly, it was the poorest segment of the population that had been most severely affected by the measures the Government had been forced to take. Certainly the Government had also made strenuous efforts to mitigate that result, but they had remained somewhat marginal. Jamaica was certainly not alone in experiencing that phenomenon. One of the most important tasks of the Committee was to define the function of the International Covenant on Economic, Social and Cultural Rights as an instrument for the protection of the most vulnerable groups in society in times of economic difficulty. The Covenant had sometimes been described as a "good weather instrument" which was a product of the exaggerated optimism of the 1960s about the possibility of sustained economic growth. It was stated to be losing importance because of current world-wide economic conditions. That attitude was based on false reasoning: just as conditions of political unrest constituted the decisive test for the relevance of the International Covenant on Civil and Political Rights, so, in time of economic crisis, the International Covenant on Economic, Social and Cultural Rights should assume its most important function - that of a last ditch defence for the most vulnerable. Jamaica was a good example of a developing country where human rights had been greatly affected by the policies of the International Monetary Fund and other international lending institutions. Such institutions should be made more aware of the impact of their requirements on the human rights situation in the countries concerned. As a general observation, he suggested that the Committee should embark on a dialogue on the matter with the specialized agencies involved, on the legal basis provided by article 22 of the Covenant.

8. The CHAIRMAN observed that it was important for States parties to show in their reports how effectively they had made use of international co-operation.

9. Mr. ALSTON fully endorsed Mr. Simma's review. He hoped that the additional information promised by Jamaica would reach the Committee before its next session.

10. Mr. SPARSIS agreed that Jamaica had submitted frank and serious reports but they had left unanswered a considerable number of questions about basic rights. Vulnerable groups need not necessarily suffer from measures taken by national Governments to counter economic recession. It was during such periods that those groups should be given most protection. It was evident from the reports and from discussion with the delegation that the average citizen in Jamaica did not enjoy a minimum standard of living or an adequate social network of benefits and services. Furthermore, individuals or organized groups did not fully enjoy fundamental freedoms such as the right to organize, to collective bargaining and to strike. Neither did they have the right to participate in formulating policies and implementing programmes which affected living standards and quality of life. He looked forward to receiving additional information from Jamaica.

11. Mrs. JIMENEZ BUTRAGUEÑO endorsed Mr. Sparsis' comments. Although Jamaica had provided interesting information it had not presented a realistic picture of the actual situation. It had given little detail on specific programmes and schemes to provide social security or unemployment benefits were non-existent.

12. It seemed to her that the concluding observations on a country's report depended very much on which member of the Committee prepared the overview. Those observations should be more uniform and objective and reflect the wider views of the Committee. Perhaps the choice of a person to compose the overview, should not be confined to someone of the same geographical region as the reporting State. For example, Mr. Texier had a profound knowledge of Colombia.

13. Mr. ALVAREZ VITA said that the overviews of all the country reports from a particular region should not be in the hands of a single member of the Committee. He was currently working on the overview for the Colombian report and he had also been asked to write the overview for Argentina. He suggested that, in view of her perfect command of Spanish and of the historic ties between her country and Argentina, Mrs. Jimenez Butragueño might take over the latter task.

14. Turning to the Jamaican reports, he said that they gave a good deal of useful information but there were also many gaps. The Jamaican delegation had proved incapable of explaining how Jamaican legislation could be reconciled with the provisions of the Covenant concerning the right to strike. He had also found the Jamaican delegation's comments about the limits to freedom of expression to be unsatisfactory. No reference to such issues had been made in Mr. Simma's overivew. He endorsed the comments made by Mrs. Jimenez Butragueño and Mr. Sparsis. Furthermore, there must be some uniformity and equality of treatment as between States parties in the Committee's concluding observations on country reports, for otherwise it would give the impression that it was not taking its work seriously.

15. Mrs. JIMENEZ BUTRAGUEÑO said she would be very pleased to take over the task of preparing an overview of the Argentine report. As an independent expert and a citizen of the world, she felt capable of assessing the report of any country.

16. Mr. TEXIER said he supported Mrs. Jimenez Butragueño's remark that the Committee should aim at uniformity in its concluding observations. The Committee would never succeed fully in that endeavour, since all comments were necessarily subjective, but it was important that the Committee should not feel constrained on grounds of solidarity or diplomacy. The Committee should not pass judgement either, but merely reflect its general views, first, as to whether the report considered had been well or badly prepared and, secondly, as to how the State party concerned was fulfilling its commitments under the Covenant - in other words, what action should the State party take to improve the economic, social and cultural rights of its citizens? He was at the Committee's disposal in the matter of writing overviews of country reports.

17. Mr. WIMER ZAMBRANO said he felt it was important that the overview should be prepared by a Committee member who from personal or professional experience had a profound knowledge of the language and institutions of the reporting State. That was certainly the case of Mr. Texier in respect of Colombia. He also felt that, just as States parties should comply with the Committee's guidelines in their reporting, so the Committee itself should adopt and abide by a set of rules for formulating its concluding observations on a country report. Those observations should always cover 10 main topics, with additional topics if necessary. The submission of a well-prepared report was

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not synonymous with ensuring respect for human rights. With regard to the Jamican reports, he had been disconcerted by the poor explanation of the Jamaican delegation about the right to strike, which had left him more puzzled than before.

18. Mr. NENEMAN said that the idea of having a discussion leader was useful, but a country's performance could be evaluated more accurately if various members of the Committee contributed their views.

19. Mr. SIMMA endorsed Mr. Neneman's comments. It was certainly not the intention that the person who composed the overview of the country's performance should monopolize the discussion.

20. Mr. SPARSIS requested the Committee to return to the more specific subject of the Jamaican reports.

21. Mr. RATTRAY said he would normally have been reluctant to intervene in the discussion on the Jamaican reprots but he wished to make two points. The first was that it was important in the concluding observations to apply a uniform standard. The Committee had not yet established any objective yardstick for determining in respect of any particular country whether or not there had been violations of the Covenant. In that context, he found it quite inappropriate for the Committee to formulate any observation which would seem to constitute a definitive judgement on such an issue. Secondly, he felt compelled to correct some misstatements. While it was quite true that the right to strike was not expressly provided for in Jamaican legislation, it was not true that Jamaican legislation did not comprehensively protect the right to organize and the right to collective bargaining. As was clearly stated in the relevant report (E/1984/7/Add.30, para. 95) both section 23 of the Jamaican Constitution and sections 4 and 5 of the Labour Relations and Industrial Disputes Act of 1975 expressly protected the worker's right to belong to the union of his choice and the right to collective bargaining.

22. It was because of those provisions that, when the matter arose before the Supreme Court, the argument was that it must therefore be inferred that there was a right to strike. The Supreme Court had come to the decision, based on some English common law decisions, that there was in fact no right to strike as such. There was a right to organize, a right to join the union of one's choice, a right to collective bargaining. But those rights existed in the context of a contract of employment containing express provisions relating to performance of work. Since it was an infringement of common law for a person to be compelled to work, slavery having been abolished, there must therefore be a freedom not to work. But if the consequence of exercising that freedom was that one withdrew services for which provision had been made in the contract, a case could arise where there was a breach of the contract of employment. From that it was inferred that there was freedom to strike, but not the right to strike. Following that decision, there had been a good deal of discussion in the trade union movement, leading to a request for the legislation to be amended so as expressly to incorporate the right to strike. He agreed that the attention of the Jamaican Government should be drawn to the need to further develop the right to strike.

23. The concept of freedom of expression was of course expressly guaranteed by the Jamaican Constitution. Part of that freedom was the right to

demonstrate for a change in the law. Anyone attempting to deny that right was breaching the Constitution, and the civil and political rights contained in the pertinent Covenant.

24. Mr. MUTERAHEJURU said that the role of the discussion leader must be to prepare an inventory of the positive and negative points that had emerged from the reports and discussions, on the basis of which the concluding observations could subsequently be prepared. He also called for acceptance of the principle of equitable differentiation. The Committee should not apply the same rigorous standards to all States that failed to comply with the provisions of the Covenant, regardless of their widely differing resources.

25. Mr. KONATE said that freedom of contract was limited by the fundamental right to strike. The right to strike was an integral part of the contract, and it was not possible to draw up a contract eliminating that right. The Committee should make a comment to the effect that the right to strike should be recognized.

26. Reverting to the question of the open advocacy of drug consumption prevalent in Jamaican popular music, he again expressed surprise that, in view of the enormous social and political impact of that music on the population, specific measures had not been taken by the Government to ban songs whose lyrics glorified drug consumption. Freedom of expression was of course a fundamental right, but article 19 (3) (b) of the International Covenant on Civil and Political Rights provided for restrictions on that freedom in the interests of public order, public health or morals.

27. Mr. KOUZNETSOV drew attention to paragraph 22 of Jamaica's report on rights covered by articles 6 to 9 of the Covenant (E/1984/7/Add.30), which stated that the right to work was not reflected in the Jamaican Constitution. He stressed that if a person was unemployed, he was prevented from enjoying many of the other rights guaranteed under the Covenant, such as the right to an adequate standard of living, the right to education, and the right to take part in cultural life. Furthermore, in his view, the right to work was so inalienable and so crucial that it must be formally enshrined in the Constitution. If the Committee accepted Ms. Taya's proposition that there were three levels of rights, the right to work clearly belonged in the first category of rights, in the absence of which a person was unable to exercise his other inalienable rights.

28. Mrs. JIMENEZ BUTRAGUEñO suggested that the Committee should try to clarify the concerns expressed by Mr. Konate regarding the glorification of drug consumption in Jamaican popular music, so as to reflect them in its report.

29. Mr. SPARSIS said that two issues must be discussed when the Committee took up the question of the revised guidelines. The first was the role played by a Committee expert when the report of his or her own country was under discussion. The second was the determination of objective yardsticks to assist it in drawing up its concluding observations.

30. Mr. ALVAREZ VITA said that he was concerned that Mr. Rattray should have intervened to defend his own country. The impression given was that the

Committee had reopened the debate with a representative of the State of Jamaica. Members of the Committee participated in the deliberations in their capacity as experts.

31. The CHAIRMAN said that Mr. Rattray had intervened, not to defend the reports of Jamaica, but simply to provide, in his capacity as an expert, information on the jurisprudence of the Jamaican courts with regard to freedom to strike and the right to strike. In that regard he had pointed out that the laws of Jamaica recognized the right of association. The courts had concluded that, if workers had a right of association, they enjoyed freedom to strike, but that if they exercised that right, they risked breaching their contract by failing to provide the services stipulated therein. Mr. Rattray had concluded that the Jamaican legislation should expressly provide for the right to strike. The information he had supplied was of great value to the Committee, and his intervention was fully consistent with the rights and prerogatives of members of the Committee.

(b) REPORTS SUBMITTED BY SPECIALIZED AGENCIES IN ACCORDANCE WITH ARTICLE 18 OF THE COVENANT (continued) (E/1990/8)

32. Mr. KUTUKDJIAN (United Nations Educational, Scientific and Cultural Organization) said that he wished to inform the members of the main points to emerge from the international meeting of experts on the implementation, in UNESCO's sphere of competence, of the two International Covenants on Human Rights. The meeting, held at Ottawa, Canada, in December 1989, had had a specific threefold purpose: (a) to highlight the interrelationship between the two Covenants; (b) to identify those articles of particular interest to UNESCO; and (c) to determine a methodology for UNESCO's comments on the reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights. The final report of the meeting was available to members in French, and the Secretariat would receive an English version in due course.

33. The UNESCO Secretariat had prepared a working paper for the Ottawa meeting, the first part of which briefly described UNESCO's contribution to the ratification and implementation of the two Covenants since 1966. The second part stressed the elements interconnecting the two Covenants, which was of crucial importance in UNESCO's sphere of competence. To cite only one example, the exercise of cultural rights could not be dissociated from freedom of expression. The third part of the paper discussed possible approaches to a methodology for presenting UNESCO's observations on the reports submitted by States parties to the International Covenant on Economic, Social and Cultural Rights. The provisions of particular interest to UNESCO were articles 1, 2, 3, 6, 10, 13, 14 and 15.

34. UNESCO was also invited to elaborate a comprehensive report on its action in the sphere of communications received by the Executive Board concerning the exercise of human rights (104 Ex/Decision 3.3). That involved a confidential procedure, but in certain cases, for example discrimination based on race or sex in the educational field, the possibility would be examined of including information on the nature of the communications received.

35. Concerning methodology, the meeting had recommended that UNESCO should divide its observations under the following headings: (a) ratification, acceptance or accession by the State concerned in respect of UNESCO

instruments, including States' reservations or declarations; (b) recent statistics revealing significant trends; (c) qualitative information; (d) research, training and documentation activities in States in the field of human rights; and (e) operational action by UNESCO.

36. In their general conclusions, the experts requested that the entire UNESCO programme should continue to contribute to respect for human rights and fundamental freedoms. They stressed the need for States to ratify the two Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights, the indivisibility and interdependence of all human rights and the need for co-operation with the United Nations, the regional intergovernmental organizations and non-governmental organizations.

37. The experts also made several recommendations concerning the need for co-operation with the bodies responsible for monitoring the two Covenants. They stressed that it was important for UNESCO to submit annual reports containing information concerning the States parties whose reports were to be examined and to create an awareness among States of the need to ratify the Covenants. They recommended that UNESCO should use the information supplied by Governments and non-governmental organizations in order to formulate statistics identifying trends in the States concerned. They emphasized the need for strengthening freedom of expression, especially with regard to areas such as academic freedom. They also requested that UNESCO should begin work on a definition and analysis of the scope of article 19 (3) of the International Covenant on Civil and Political Rights and that it should undertake a study on the right contained in article 15 (1) (b) of the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications. They further called upon UNESCO to set up a programme to elaborate and standardize reliable indicators in UNESCO's fields of competence and to take special account in its activities of the needs of important groups such as women and children, vulnerable groups, the handicapped, the aged, refugees and minorities.

38. UNESCO counted on the support and co-operation of the members of the Committee in performing its task; its third report in document E/1990/8 already provided an indication of its commitment in that direction. It would be furnishing further information concerning the reports of States parties yet to be examined in 1990 and would be setting up a mechanism to give specific follow-up to all the recommendations to which he had referred.

39. The CHAIRMAN thanked the representative of UNESCO for his statement and said that the Committee looked forward to continued co-operation with the United Nations specialized agencies.

40. Mr. SIMMA said he had listened with great interest to the report on the Ottawa meeting, which he would have attended if he had received an invitation earlier. In the interests of dialogue, invitations to such meetings should be sent out as early as possible.

41. Mr. SPARSIS endorsed Mr. Alvarez Vita's concern at the absence of outside bodies from the Committee's work. He expressed appreciation for the presence of ILO and UNESCO, whose representatives' statements had highlighted the importance for the specialized agencies of attending the Committee's sessions.

42. Mr. ALSTON expressed appreciation for the statement by the representative of UNESCO and for UNESCO's interest in the Committee's work. As partners, UNESCO and the Committee could go a long way towards setting up a genuinely effective system for monitoring implementation of the Covenant. He also wished to thank the ILO representative for his useful contributions to the Committee's work.

43. Mr. NENEMAN remarked that perhaps no other specialized agency had so much in common with the Committee as UNESCO. He stressed the importance of UNESCO's making use of the reports submitted to the Committee by States parties, as the Centre for Social Development and Humanitarian Affairs in Vienna was already doing, not only to enrich UNESCO's own work but to avoid duplication. It was unfortunate that no Committee member had attended the Ottawa meeting.

44. Mr. ALVAREZ VITA associated himself with the previous speakers in emphasizing the direct relationship between UNESCO's work and that of the Committee. Regarding the Ottawa meeting, he agreed that invitations should have been sent out earlier. It was indeed a pity that the only Latin American country to attend the meeting had been Suriname, which was geographically part of that region but whose identity and culture were quite different from those of its neighbours.

45. The CHAIRMAN noted that the report to the Economic and Social Council would reflect the emphasis in the discussion on mutual co-operation between the specialized agencies and the Committee.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), COUNCIL DECISION 1985/132 AND COUNCIL RESOLUTION 1988/4) (agenda item 5) (continued)

46. Mr. SIMMA, introducing the draft proposal for revised guidelines regarding the form and content of reports by States parties contained in document E/C.12/1990/Misc.4, first discussed part A, entitled "General (first/initial) Part". At the previous session the Working Group had agreed on a draft, part A (1) of which the Human Rights Committee had since adopted with slight formal changes. The text now before the Committee reproduced some of those changes, without in any way modifying the substance of the 1989 draft proposal. Section 1 of the previous year's text was intended to form the consolidated text for use by all United Nations treaty bodies in the human rights field, including the Committee on Economic, Social and Cultural Rights. The 1989 draft had also contained a part (d), dealing with information and publicity concerning the human rights instruments in their entirety. However, in view of the widely varying practice among States parties, he thought it advisable that information on dissemination, translation, non-governmental inputs and related matters should be given separately on each instrument.

47. He also thought it advisable that the general part of the guidelines for reports on implementation of human rights instruments should contain a section specifically devoted to the legal status and implementation of the International Covenant on Economic, Social and Cultural Rights in the domestic law of the countries concerned.

48. The part of the 1989 draft guidelines referring to specific rights was prefaced by a number of introductory remarks and questions. It would be for the Committee to decide whether those remarks and questions were adequately covered in the general and specific parts of the new draft guidelines.

49. In a five-year reporting cycle a single set of guidelines should be used for both the initial and subsequent reports by States parties to the Covenant. However, in their periodic reports States should concentrate on progress made and difficulties encountered, and should refer to the questions raised by the specialized agencies and the action they had taken in response.

50. The absence of any reference in the revised guidelines to international co-operation was due to the fact that the Committee would be taking up that issue at a later stage. The same applied to economic and social indicators.

51. Turning to the draft guidelines relating to specific rights, he said that his intention had been to tailor the guidelines to general comment No. 1 as adopted by the Committee at its third session. Their purpose was sevenfold, namely to ensure a comprehensive review within the States parties; to monitor the actual situation with regard to the rights contained in the Covenant; to elaborate appropriate policies; to facilitate public discussion; to evaluate progress; to achieve a better grasp of problems and shortcomings; and, lastly, to foster a common understanding of the dimension of international co-operation. The guidelines and the general comment were thus to be seen as complementary, their aim being to arrive at a more effective system of reporting.

52. It had been suggested at the Committee's third session that only a small number of questions on specific rights should be addressed to States parties. However, the drawback of that approach was that the replies were likely to be unduly general in scope. The intention behind the revised guidelines was to codify the Committee's existing practice and to ensure that Governments did not find themselves taken by surprise by questions raised during the consideration of reports and that the Committee obtained as much information as possible.

53. Turning to part B of the draft proposal devoted to specific rights, he said that in the case of rights arising under articles 6 to 10 of the Covenant he had based his approach on the established practice of ILO. With regard to article 8, he had referred not only to ILO Conventions but also to the International Covenant on Civil and Political Rights, while in the case of article 10 he had referred both to that Covenant and to the Convention on the Rights of the Child. With regard to article 11, he had concentrated on the right to food and the right to housing: the revised guidelines did not significantly depart from the approach adopted in the earlier guidelines. In the case of article 12 he had taken into account the discussion in the Committee during which a representative of the World Health Organization had been present. The questions on article 15 were based largely on the approach of the earlier guidelines.

54. In conclusion, he said that he did not expect that the Committee would have time to adopt a revised set of guidelines at its current session, but that he would welcome any suggestions for improvement of the draft guidelines he had proposed.

55. Mr. NENEMAN said that one disadvantage of the revised guidelines was that, if questions were linked too closely with ILO Conventions, the Government of a State which was not a party to a particular Convention might consider that it was not under an obligation to provide information on the topic concerned.

56. A second possible drawback was that some countries might find it difficult to furnish the kind of detailed information the revised guidelines would require from them, and that, even if the material were forthcoming, the Committee itself might have difficulty in assimilating it in the time at its disposal. He felt that 10 pages of questions might be sufficient.

57. Mr. KONATE said that the questions in the revised guidelines were too detailed. In general terms, it might be useful to have a third part to the questionnaire, perhaps entitled "Difficulties encountered in implementing the Covenant", in which States parties could be asked to evaluate their requirements for technical assistance and international co-operation in order to comply with their obligations under the Covenant.

58. He also suggested that, during the inter-sessional period, members of the Committee who had specific suggestions to make could communicate them to their colleagues by private mail. A conspectus of those suggestions could then be drawn up in advance of the Committee's next session.

59. Ms. TAYA said that, in general, the proposed revised guidelines seemed unduly detailed, and that they tended to focus more on legislation than on the actual situation prevailing in a given country.

60. More specifically, she suggested that questions 3 (b), (c) and (d) in part A should be covered in conjunction with the issues raised in section 1 (d). The general part should include a section 4 devoted to the situation of the most vulnerable population groups, which would contain information on the status of ethnic minorities, and on the situation with regard to street children, the rural poor, and the administrative measures which had been or would be taken to alleviate their plight.

61. Concerning articles 6 to 15 of the Covenant, she said that a section should be included on the requirements for international co-operation. The section should contain information regarding existing programmes of international co-operation for the protection of the rights covered by the Covenant, an assessment of the areas in which such co-operation was needed and its estimated scale, and information concerning the procedures adopted by a Government for earmarking official development assistance for the purpose of implementing the Covenant.

62. Mrs. JIMENEZ BUTRAGUEÑO said that Mr. Konate could perhaps submit his suggestion in writing. She agreed with Mr. Simma that it was unlikely that the Committee would be able to decide on revised guidelines at the current session, but members could be asked to communicate their ideas on the subject before August 1990.

63. Mr. WIMER ZAMBRANO said he agreed with the view that greater brevity and simplicity were required in the guidelines, since a long and detailed questionnaire might have the effect of discouraging Governments from

furnishing replies. He drew attention to the problem raised by requests for statistics: it was not uncommon to find discrepancies between the statistics provided by Governments and those compiled by the United Nations.

64. Mr. SPARSIS said that he understood that Mr. Simma's proposals were of a provisional nature, and that the wording of the questions could be changed, as was particularly necessary, for example, in the case of paragraph 2 (e) of the section on article 11 of the Covenant. He too felt that the questionnaire should be more succinct.

65. On the question of statistics, he said that it was essential to ensure that figures were understood in the light of a comparison between the funds allocated for a given Covenant-related purpose and the resources available to the country concerned.

66. In general, he considered that emphasis should be placed in the questionnaire on the difficulties experienced by countries in implementing the rights embodied in the Covenant, in order to avoid unduly optimistic reporting by States parties.

67. In conclusion, he said that the guidelines should contain a paragraph relating to popular participation in decision-making at the national level, since it was on such participation that the enjoyment of economic, social and cultural rights ultimately depended.

The meeting rose at 6 p.m.